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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/441,289 11/16/99 SUHY

A 1-21739

EXAMINER

TM02/1218

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ART UNIT

PAPER NUMBER

2161

DATE MAILED:

12/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/441,289	Applicant(s) SUHY ET AL.	
	Examiner Calvin L Hewitt II	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> . | 20) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 1-20 have been examined

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-5, 7 and 8 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yamamoto et al., U.S. Patent No. 6,141,629.

As per claims 1-5, 7 and 8, Yamamoto et al., disclose

- a local controller at a first location that acquires data regarding operating characteristics of an asset (figure 12; column 4, lines 17-38)
- a data acquisition device (column 4, lines 20-50)

- a second controller at an alternative location for data analysis, in particular to determine whether maintenance to an asset has taken place (figures 10-12; column 4, lines 44-50; column 9, lines 18-23; column 11, lines 17-23; column 11, lines 49-55; column 12, lines 54-57)
- an electronic communications network between the local controller and second controller (figure 12; column 4, lines 44-50)
- wireless communication between controllers (figure 12)
- an administrative controller that receives data from the second controller (figure 12; column 9, lines 5-18)
- a global communications network that links the second controller and administrative controller (figure 12; column 9, lines 18-23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 9-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. U.S. Patent No. 6,141,629 in view of Fan et al., U.S. Patent No. 5,959,577 and Examiner's Official Notice.

As per claims 6 and 9-15, Yamamoto et al. teach data communication between a local controller and a second controller (figures 10-12; column 4, lines 44-50; column 9, lines 18-23; column 11, lines 17-23; column 11, lines 49-55; column 12, lines 54-57) and between a second controller and an administrative controller (figure 12; column 9, lines 5-23). Yamamoto et al. also discloses the comparing of transmitted data with stored data (figure 1; column 4, lines 51-52; column 7, lines 7-64). Yamamoto et al. further disclose a wireless communication link between the local and second controllers and communication and global networks (figure 12; column 12, lines 45-57). However, Yamamoto et al. do not specifically disclose the internet or websites. Fan et al. teach of a communication link between a vehicle and a data processing station over a data network (figure 1); where the data network is a wireless network and internet (column 5, lines 53-62; column 12, lines 28-30 and lines 55-58). In addition, Fan et al. disclose a communication link between the mobile unit and data network (column 3, lines 43-46) and various input devices in the mobile unit (column 9, lines 59-63). Fan et al. also teach web nodes, web servers, web browsers, internet and internet addresses (column 6, lines 33-36). While not explicitly taught the Examiner takes Official Notice that the presence of websites and posting information on websites are inherent to such a collection. Therefore, it would have been obvious for one of ordinary skill of the art to incorporate the internet with the system of Yamamoto et al.

Recall, Yamamoto makes clear the presence of a global communication network (figure 12). The Internet is such a network. By incorporating a wireless link to the internet, managing entities are provided real-time access to maintenance data and other data regarding construction site activities by communicating directly with construction machines. Which in turn leads to improved oversight of facilities and systems by upper management.

6. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. U.S. Patent No. 6,141,629 as applied to claim 1 above, and further in view of Huang et al., U.S. Patent No. 5,953,707, Ballurio et al., U.S. Patent No. 5,842,212 and Fan et al., U.S. Patent No. 5,959,577.

As per claims 16-20, Yamamoto et al. disclose an analysis controller linked to a local controller (figures 10-12; column 4, lines 44-50; column 9, lines 18-23; column 11, lines 17-23; column 11, lines 49-55; column 12, lines 54-57). Also, Yamamoto et al. disclose maintenance information that is stored on the analysis controller (column/line 8/63-9/3; column 11, lines 17-23). However, Yamamoto et al. do not explicitly refer to warranty information. Ballurio et al. disclose a loading and retrieval system that stores data (figure 2) and refers to warranty information (column 6, lines 17-25). While Huang et al. teach report generation based on a predefined set of criteria (column 36, lines 59-63) and where data is compared to a standard (column 36, lines 63-64). The Examiner takes Official Notice that invoices regarding maintenance requests and service are well

known to those of ordinary skill in the art of managerial information systems, industrial engineering and engineering technology. Hence, to automate such a process would have been obvious. Finally, Yamamoto et al. do not disclose the posting of results on a website. However, Yamamoto et al. do disclose a means for disjoint entities exchanging information across a global communication network (figure 12) and Fan et al. disclose web servers, web addresses and the internet. What's more Fan et al. disclose a data processing station as a node on the internet (figure 1; column 6, lines 33-36). Thus, the Examiner takes Official Notice that a website and more specifically the posting of data on a website would have been obvious. Therefore, it would have been obvious for one of ordinary skill of the art at the time the invention was made to combine the teachings of Fan et al., Ballurio et al., and Cheung et al. with the teaching of Yamamoto et al.

The goal of the system of Yamamoto et al. is to reduce machine down time through an improved capital equipment monitoring system. Two important aspects of the system are the central managing computer (column 9, lines 5-10), that controls and manages all maintenance information, and a global network that links the computers and provides for the flow of maintenance information. Building and construction projects are highly coordinated, highly time dependent activities. If a step or task in the construction process is running behind schedule all subsequent tasks will also fall behind resulting in costly delays affecting not only the consumer but also the construction company regarding future contracts. Equipment failure is a common source of delays. Yamamoto

et al. look avoid such an obstacle by continuously monitoring equipment operational data and by distributing this data throughout the company via a global network. A corporate website at the managing computer, where the data is ultimately stored, would provide a focal point for systematic (column 13, lines 7-11) and non-systematic queries regarding the status of capital equipment worldwide. One such non-systematic query would be a consumer or project owner checking on the status of a project.

Finally, as Yamamoto et al. look to technology as a means of anticipating equipment failure and improving maintenance cycle-time, the automation of such basic maintenance related functions as report and invoice generation, would also logically take place.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Perkowski teaches a system and method for delivering consumer product related information
- Morris et al. teach a data collection and dissemination system
- Kuroda et al. teach a remote management system

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 305-0625. The examiner can normally be reached on Monday-Friday from 8:30 AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to"

Commissioner of Patents and Trademarks

C/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

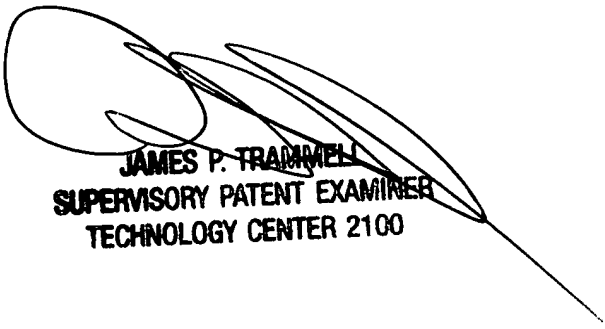
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2161

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Calvin Loyd Hewitt II

December 8, 2000



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100